

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

OSWAIDA ORTIZ MARTINEZ

DEBTOR(S)

CASE NUMBER: 08-01123 BKT

CHAPTER 13 (ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. To cure a default in payments under the plan by amending the payment schedule, in response to a motion to dismiss filed by the Ch. 13 Trustee.

3. Debtor (s) amend plan call for \$2,772.28 within first eleven(11) months and forty nine (49) payments of \$360.00 for a total base of \$20,412.00 dollars with a provision for the payment of Pre Petition Arrears to Doral Financial.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules. Debtor's employer made payroll deductions for a lesser amount different from the requested.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified they have twenty (20) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 4th, day of February, 2009.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
USDC PR 214711
P.O. Box 19559
San Juan, PR 00919-5596
Tel. (787) 758-4400
Fax. (787) 763-0144
E-mail valdeslaw@prtc.net

United States Bankruptcy Court
District of Puerto Rico

IN RE:

OSWAIDA ORTIZ MARTINEZ

Case No. 08-01123 BKT

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☒ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____

☒ AMENDED PLAN DATED: 02/03/2009

☐ PRE ☒ POST-CONFIRMATION

Filed by: ☐ Debtor ☐ Trustee ☒ Other

I. PAYMENT PLAN SCHEDULE

\$ WITHIN 11 MONTHS = \$ 2,772.28
\$ 360.00 x 49 = \$ 17,640.00
\$ x = \$
\$ x = \$
\$ x = \$

TOTAL: \$ 20,412.28

Additional Payments:

\$ to be paid as a LUMP SUM
within with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in
addition to the above:

\$ x = \$

PROPOSED BASE: \$ 20,412.28

III. ATTORNEY'S FEES

(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee

Disclosure Statement: \$ 2,670.00

Additional fees: \$350.00

Adjusted Balance: \$3,020.00

Signed:

Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. DORAL FINANCIAL Cr. Cr.
450039084 # #
\$ PRE-\$14,305.18 \$ \$

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. Cr. Cr.

\$ \$ \$

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. Cr. Cr.

\$ \$ \$

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

DORAL FINANCIAL

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:

☐ Paid 100% / ☐ Other:

Cr. Cr. Cr.

\$ \$ \$

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED CREDITOR.

Attorney for Debtor

Phone: 787-758-4400

CHAPTER 13 PAYMENT PLAN

MARILYN VALDES ORTEGA, ESQ.

FAX: 787-763-0144

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: * CASE NO. 03-11392 SEK
*
OSWAIDA ORTIZ MARTINEZ *
*
DEBTOR (s) * CHAPTER 13 (ASSET CASE)

NOTICE OF FILING AMENDED PLAN

TO ALL THE CREDITORS LISTED ON THE
MASTER ADDRESS LIST

NOTICE IS HEREBY GIVEN THAT DEBTOR (S) FILED THE
ATTACHED PLAN ON January 4th, 2009

Parties in interest are hereby granted thirty (30) days from the date of notice to oppose the motion and request a hearing. If no opposition is filed within the prescribed period of time the Court will enter an order granting the motion upon the filing of a certificate by the movant that adequate notice was given. Should an opposition be timely filed, the Court will schedule the motion for a hearing as contested matter.

MARILYN VALDES ORTEGA
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Tel. (787) 758-4400
Fax. (787) 763-0144

In San Juan, Puerto Rico, this 4th day of January, 2009.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras Rivera, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

OSWAIDA ORTIZ MARTINEZ
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CASE NO. 08-01123 BKT
NOTICE OF FILING AMENDED PLAN

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
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Label Matrix for local noticing
0104-3
Case 07-02309-ESL13
District of Puerto Rico
Old San Juan
Tue Feb 3 13:28:51 AST 2009

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

INTERNATIONAL HOME PRODUCTS INC.
P.O. BOX 363885
SAN JUAN, PR 00936-3885

PUERTO RICO TELEPHONE COMPANY
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SAN JUAN, PR 00936-0998

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17 Mexico Street, Suite D-1
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CARMEN LYDIA TORRES ORTIZ
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RELIABLE FINANCIAL SERVICES
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CRIM
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SAN JUAN, PR 00919-5387

LCDO EDGARDO M ROMAN ESPADA
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ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS, CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) CARMEN LYDIA TORRES ORTIZ
584-26-8801

End of Label Matrix
Mailable recipients 17
Bypassed recipients 1
Total 18